

KAUFMAN BORGEEST & RYAN LLP

ANDREW S. KAUFMAN*
 WAYNE E. BORGEEST
 JULIANNA RYAN
 LEE E. BERGER
 LORETTA A. KREZ*
 JOHN M. GILBRIDDT*
 JONATHAN D. RUBIN*
 JUDITH M. FISHER*
 A. MICHAEL PURMAN*
 MICHAEL P. MEZZACAPPA*
 DOUGLAS J. FITZMORRIS
 STEVEN D. WEINBERG
 SCOTT A. SCHRECHTER
 CHRISTOPHER E. DIGIACINTO*
 ANN MARIE COLLINS**
 JONATHAN B. BRUNO*
 PAUL J. COLUCCI
 MARGARET J. DAVINO**
 JEFFREY C. GERSON**
 ROCCO P. MATRA*
 JOHN B. MULLAHY*

OF COUNSEL
 MARTHA SLEVIN
 SHERRI M. FELDMAN*

APPPELLATE COUNSEL
 JACQUELINE MANDELL
 —
 JONATHAN R. HAMMERMAN
 HEATHER LASCHNER*
 CAROL S. DOTY**
 BARBARA ANN M. COSTELLO
 MELINDA B. MARCILES*
 JEFFREY S. WHITTINGTON*
 ELIZABETH O'BRIEN TOTEN
 RICHARD A. PRETTI
 REBECCA KILDUFF*
 CHRISTOPHER M. DENNIS*
 CHRISTINE HRENAN
 BELINDA DODDS-MARSHALL**
 JULIE A. KERGAN
 STEPHANIE B. GITNIK
 JEFFREY W. KLEINER*
 JENNIFER BIRNBAUM
 MICHAEL R. JANES
 R. EVON HOWARD*
 LEONARD B. COOPER**
 ANDREW R. JONES
 JAMES T. DE SILVA

ATTORNEYS AT LAW

200 SUMMIT LAKE DRIVE
 VALHALLA, NEW YORK 10595
 TELEPHONE: 914-741-6100
 FACSIMILE: 914-741-0025
www.kbrlaw.com

KEITH L. KAPLAN**
 VINCENT C. ANSALDIT*
 DAVID J. VARRIALE**
 DOUGLAS J. DOMSKY*
 TIMOTHY E. McCARTHY*
 JEFFREY A. GRALNICK*
 TRACEY REISER-PERTOSOFF*
 KATHERINE J. O'BRIEN**
 DAMIEN SMITH
 ANDREW S. KOVLOWITZ*
 MATTHEW M. PERGUSON*
 D. RYAN BLOOMQUIST
 CRISTINA LA MARCA
 EDWARD J. NORIEGA*
 MATTHEW SPERGL
 PAUL T. CURLEY
 ROBERT A. BENJAMIN*
 KATHRYN C. COLLINS
 JANINE C. CAILLELLA**
 BLAN R. KANDEL**
 BRIAN M. SHER*
 PAIGE E. COOPERMAN
 MARGARET M. O'CONNOR
 JOSHUA B. SANDBERG

THOMAS L. GALLIVAN
 EILEEN R. FULLERTON*
 DENNIS J. DOZIS*
 LYNN M. DUZETTE
 RISA D. TARKOFF*
 MILLI SHAH*
 KATHRYN M. WALSH
 LAURA B. TUPPA
 KATIELEN E. O'ROURKE
 BETSY PHILLIPS
 SARA K. WALKER
 KELLY B. WASKESTEIN*
 NEMI D. FLAISHMAN*
 MELISSA A. MANNING*
 THOMAS LOOKSTEIN
 MICHAEL NERI
 ROBERT E. PEKETE
 LORRAINE C. SYLVESTER*
 JESSICA MOLINARI

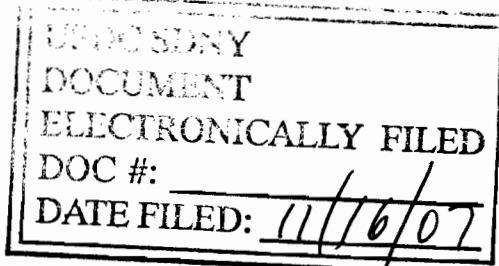
* ALSO ADMITTED IN PA
 ** ALSO ADMITTED IN NJ
 ■ ALSO ADMITTED IN DC
 □ ALSO ADMITTED IN CT
 ▨ ALSO ADMITTED IN MA
 ◊ ALSO ADMITTED IN TX
 ▲ ALSO ADMITTED IN FL
 △ ALSO ADMITTED IN CA
 ▶ ADMITTED IN NJ ONLY
 ▷ ADMITTED IN CA ONLY
 ▪ PRACTICER AT LAW
 ▫ ADMITTED IN ENGLAND & WALES

November 15, 2007

~~DO NOT ENCLASSED~~

VIA FACSIMILE AND ECF

Honorable Gerard E. Lynch
 United States District Court for the
 Southern District of New York
 500 Pearl Street, Room 910
 New York, NY 10007



Re: Axis Reinsurance Company v. Phillip Bennett, et al.
Index No.: 07-CV-07924 (GEL) and related cases

Dear Judge Lynch:

This firm represents Axis Reinsurance Company ("Axis") in connection with the captioned actions. Further to Ms. Moses's November 9, 2007 letter and our conference before Your Honor on November 8, 2007, Axis requests a waiver of the 25 page limitation for its brief on appeal. Axis will be submitting one brief combining the appeal of the dismissal of Axis's complaint and the appeal of the summary judgment Order granting the advancement of defense costs (including the appeal of two preliminary injunction Orders, which were subsumed by the summary judgment Order.) There are substantial legal and factual arguments to be raised in this brief. Accordingly, Axis requests a waiver from Section 2.D. of Your Honor's individual practices. Axis expects it will need no more than 40 pages for its brief on appeal and 25 pages on reply. Opposing counsel do not object to Axis's request.

Ltr. to Honorable Gerard E. Lynch

Page 2 of 2

Opposing counsel also asked that we convey their request to submit three different 40 page briefs in opposition to Axis's brief on appeal. Axis does not oppose this request.

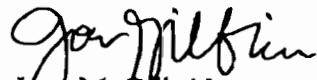
Accordingly, the parties jointly request Your Honor's maximum page limitations be extended as follows:

Axis's brief on appeal: one 40 page brief
Insureds' opposition briefs: three 40 page briefs
Axis's reply brief: one 25 page brief.

All briefs will include a table of contents and a table of authorities.

Respectfully submitted,

KAUFMAN BORGEEST & RYAN LLP

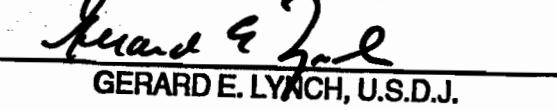


Joan M. Gilbride
Ann Marie Collins
Robert A. Benjamin

cc: all counsel (via email)

*Granted. The Court trusts that all counsel are aware that concise briefs are persuasive briefs, and will use only as many pages as are necessary. In particular, the Court encourages appellees to cooperate to avoid unnecessary duplication of issues and arguments, as it is hardly apparent why 40 pages of appeal should require 120 pages of opposition.

SO ORDERED



GERARD E. LYNCH, U.S.D.J.

11/17/07